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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,401	02/08/2006	Brian J Daniels	H0006041-US	2482
44866 WELLS ST. JO	7590 06/12/200 OHN P.S.	8	EXAMINER	
601 WEST FIR	·-	IP, SIKYIN		
SUITE 1300 SPOKANE, WA	A 99201		ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			06/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Application No.	Applicant(s)	Applicant(s)				
		10/549,401	DANIELS ET AL.	DANIELS ET AL.				
		Examiner	Art Unit					
		Sikyin Ip	1793					
The MAILING DA Period for Reply	NTE of this communication ap	pears on the cover she	eet with the correspondence a	ddress				
WHICHEVER IS LONG  - Extensions of time may be averafter SIX (6) MONTHS from the  - If NO period for reply is specification for reply is specification.	JTORY PERIOD FOR REPL JER, FROM THE MAILING D Juilable under the provisions of 37 CFR 1.4 e mailing date of this communication. ed above, the maximum statutory period or extended period for reply will, by statute the later than three months after the mailing that the second of the second of the second of the second of the second that the second of the seco	ATE OF THIS COMM 36(a). In no event, however, r will apply and will expire SIX (6 e, cause the application to become	IUNICATION.  nay a reply be timely filed  NONTHS from the mailing date of this one ABANDONED (35 U.S.C. § 133).					
Status								
1) Responsive to co	mmunication(s) filed on <u>13 S</u>	eptember 2005						
2a) This action is <b>FIN</b>	· · · <u>—</u> —	s action is non-final.						
′ <del>_</del>	/ <del></del>		matters, prosecution as to th	e merits is				
,	) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
·	are nending in the application							
<i>i</i> — , <i>i</i> ——	Claim(s) <u>1-31</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.							
6)☐ Claim(s) is								
7) ☐ Claim(s) is								
·	subject to restriction and/or	election requirement						
, , ,	subject to restriction and/or	ciccion requirement.						
Application Papers								
9)☐ The specification	is objected to by the Examine	er.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C. §	119							
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>								
Attachment(s)  1) Notice of References Cited 2) Notice of Draftsperson's Pa 3) Information Disclosure State Paper No(s)/Mail Date	tent Drawing Review (PTO-948) ement(s) (PTO/SB/08)	Pape 5) Notice	view Summary (PTO-413) er No(s)/Mail Date ee of Informal Patent Application r:					

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-24 are, drawn to a physical vapor deposition target, classified in class 148, subclass 432+.
- II. Claims 25-31 are, drawn to a method of forming a copper target, classified in class 148, subclass 554+.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make another and materially different product such as Ta based alloy target.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

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(a) the inventions have acquired a separate status in the art in view of their different classification;

- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after

the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikyin Ip whose telephone number is 571-272-1241.

The examiner can normally be reached on Monday-Thursday, from 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V. King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sikyin Ip/ Primary Examiner, Art Unit 1793

June 8, 2008